

REMARKS/ARGUMENTS

Claims 1-27 are active in this application. Support for the amendment to Claims 1, 20 and 21 is found in Claim 14 and the specification on page 11, lines 17-21 and page 3, lines 8-22 as well as the examples starting on page 15 of the application. No new matter is added.

Applicants wish to thank Examiner Wang for the helpful and courteous discussion granted to the Applicants' undersigned representative on August 26, 2003. During this discussion, the undersigned explained the differences between Example 1 and the Comparative Example particularly relating to the amount of water soluble soaps in the compositions. In particular, this discussion focused on the issues raised by the Examiner in the Office Action regarding the enablement and written description rejections. Briefly, the example according to the invention, which begins on page 15, has 28.5% by weight of water soluble soaps (see page 16, line 11) whereas the Comparative Example, which begins on page 17, had only 7% by weight of water soluble soaps (see page 18, line 7). The description of each composition follows and is summarized in paragraph [0111].

During the discussion, the Examiner indicated an understanding of this description in the application and suggested clarifying the claim to include the amount of water soluble soaps. To that end, Claims 1, 20 and 21 have been amended to include "wherein the surfactant system comprises at least 10% by weight of water soluble soaps."

In view of this discussion and the amendments submitted herein, Applicants request withdrawal of both rejections under 35 U.S.C. § 112, first paragraph.

During the discussion the undersigned focused the Examiner's attention primarily on the differences between the formation temperature of the claimed composition and the prior art compositions. In particular, the undersigned pointed out that the prior art does not describe a surfactant system which exhibits a paracrystalline phase when the temperature increases above 30°C and remains present up to at least 45°C.

U.S. '769 describes the temperatures at which the hexagonal phases are present according to the U.S. '769 invention—see Figure 5, which shows that hexagonal phases (“E”) **form at temperatures of 25°C** (see also column 10, lines 22-35, which describes Figure 5).

EP '335 describes cleaning compositions containing VI phases, which as described on page 6, lines 27-35, exhibit a cube symmetrical diffraction pattern and are cubic liquid crystalline phases in which “all references herein to the formation or existence of specific phases or structures are to be construed, unless the context requires otherwise, as references to their **formation or existence at 20°C.**” (emphasis added, page 6, lines 50-51 of EP '335).

The claimed surfactant system exhibits a paracrystalline phase **after** the temperature increases above 30°C and as such appears at a temperature above 30°C but not below 30°C, which simply cannot be the same as a surfactant system which exhibits a structural phase at temperatures below 30°C as described in the prior art references. In accordance with the discussion of August 26, 2003, Applicants have amended the claims to recite that the paracrystalline phase is exhibited after the temperature increases above 30°C to clarify the formation temperature of the paracrystalline phase.

Therefore, the claimed invention is unequivocally different from the prior art and as such withdrawal of the rejections under 35 U.S.C. § 102(b) over U.S. '769 and EP '335 is requested.

Turning to the rejection over the combination of EP '994 and U.S. '769, the present claims are not obvious in view of these references for the following reasons. EP '994 does not describe a temperature at which or above which a surfactant system would exhibit a paracrystalline phase is concerned with the formation of various micelle and hexagonal phases at different concentrations of fatty alcohol ethoxylate and fatty acids (see the Figure attached to EP '994). Therefore, the combination of EP '994 and U.S. '769 would not have

Application No. 09/886,216
Reply to Office Action of July 29, 2003

suggested preparing a composition with a surfactant system as claimed. Withdrawal of the rejection under 35 U.S.C. § 103(a) is requested.

Applicants also request allowance of this application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor, Ph.D.
Attorney of Record
Registration No. 36,379

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

Daniel J. Pereira, Ph.D.
Registration No. 45,518